

## **CHAPTER 6. SETTLEMENT CONFERENCES**

### **6.1 Settlement Conferences**

- a. It is the policy of this court that good faith efforts to settle civil proceedings are an essential part of the judicial process and that good faith efforts to settle shall be made in conformity with these rules.
- b. The rules contained in this chapter are adopted to implement rule 222 of the California Rules of Court.
- c. A party to any civil proceeding may apply to the court for a specially set settlement conference. If granted these rules shall be applicable to such settlement conference.
- d. The failure of any person to comply with these rules, or order of the court, or failure to participate in good faith in any conference which these rules or an order of the court require, is an unlawful interference with the proceedings of the court and, unless good cause is shown, such person may be subject to sanctions in the nature of payment of reasonable expenses and attorney's fees in addition to any other sanctions permitted by law.

Eff. Jan. 1, 1999.

### **6.2 Settlement Conference Procedures; Duties and Requirements of Counsel, Parties and Insurers**

- a. A settlement conference will be conducted by a judge of this court, an assigned judge or a retired judge, or practicing attorney who may act as settlement conference pro tem judge.
- b. Each party, or counsel for such party, shall be required to comply fully with CRC 222 and include in the settlement conference statement each of the matters described in CRC 222.

Eff. Jan. 1, 1999.

### **6.3 Duties of Counsel Prior to Conference**

At least five (5) court days before the conference, each party, or counsel for each party, shall submit to the court and serve upon all other counsel a detailed Settlement Conference Statement. The statement will not form a part of the clerk's file.

The settlement conference statement shall describe the case and all relevant legal issues and contentions. The statement and supporting material must be adequate to advise the court of all relevant, legal and factual issues so that the settlement conference judge and those conducting the settlement conference may have sufficient information upon which a meaningful settlement conference may be had. The settlement conference statement shall not be made a part of the court's file. (CRC 222)

In addition to the foregoing:

- a.** Each party claiming damages in a personal injury action shall bring to the conference all reports and records of any and all examining doctors, shall include in the settlement conference statement a list of all special damages claimed and shall supply corroborating evidence to be available for examination by the settlement conference judge.

In a personal injury action, the special damages for each plaintiff should be up-to-date, listed separately, totaled and categorized as health care (including medical, hospital, ambulance and drugs) and loss of earnings, if any.

Opposing parties shall bring with them copies of all reports and records of all examining doctors employed by them or their insurance carrier, if any, who examined the plaintiff to be available for consideration by the settlement conference judge.

- b.** All parties shall organize in advance and bring to the conference such medical reports and records, and any depositions (with relevant pages and lines pre-marked) photographs, books, records, diagrams, maps, bills, contracts, memoranda and all other documents pertinent to settlement of the case for examination by the settlement conference judge.
- c.** All parties shall set forth the date, the amount and terms of the highest offer and the lowest demand made by each party. The limits of insurance coverage available to each party defendant or plaintiff.
- d.** All parties shall ascertain whether there are claims or liens which may affect a settlement, and if so, request in writing the claimants or lienholders or their representatives to attend the settlement conference. A copy of such written request shall be brought to the settlement conference.

Eff. Jan. 1, 1999.

## **6.4 Duties of Party at Conference**

Each party attending a mandatory settlement conference has a duty to be thoroughly familiar with the relevant evidence available to him/her pertaining to all issues and shall be prepared to discuss all aspects of the case. In addition, the attorney for each party who has requested a jury trial in a case where the right thereto is not guaranteed by law or in a case in which special verdicts or findings of the jury will be required, shall present the form of any special verdict or interrogatories which will be required for the resolution of the case by the jury.

Eff. Jan. 1, 1999.

## **6.5 Notice to Court Upon Settlement; Return of Jury Fees**

Should a case settle the parties shall forthwith comply with CRC 225.

Upon settlement, return of jury fees shall be governed by the provisions of Code of Civil Procedure section 631.3 and local rule 17.5. Counsel shall submit a written request for the return of jury fees on deposit with the court.

Eff. Jan. 1, 1999.

## **6.6 Waiver of Rules**

Waiver of the provisions of rules contained in this chapter is disfavored. However, the court may, in its discretion, waive any such provision for good cause shown; provided that absent the extraordinary circumstances, the court will not waive the provisions of subdivision 6.3.

Eff. Jan. 1, 1999.

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